

This section is revised as an exclusion of certain activities from the scope of this subtitle rather than as part of the definition of “[e]mployee”, for accuracy, since, in fact, employees would perform the activities.

In the introductory language of subsections (a) and (b) of this section, the former words “includes any individual employed by an employer” are deleted as unnecessary, since they are included in the common meaning of the word “employee”.

In subsection (a)(1) of this section, the former word “delimited” is deleted as unnecessary in light of the word “defines”. As to regulations that define the terms “administrative capacity”, “executive capacity”, and “professional capacity”, see COMAR 09.12.41.01, 09.12.41.05, and 09.12.41.17, respectively. See also § 3-410(a)(1) of this subtitle.

Also in subsection (a)(1) of this section, the former words “bona fide” are deleted as surplusage.

In subsection (a)(6) of this section, the defined term “employ[ed]” is substituted for the former word “works”, to clarify that the 25-hour limit includes periods when an individual is present at a work site, as instructed, but is not necessarily doing work.

In subsection (a)(8) of this section, the word “or” is substituted for the former word “and”, to avoid the connotation that an individual must be employed both in a motion picture theater and in a drive-in theater.

In the introductory language of subsection (a)(11) of this section, the more precise words “not for profit” are substituted for the former word “nonprofit”, for clarity.

In subsection (a)(11)(i) of this section, the former phrases “with no expectation of gain” are deleted as unnecessary in light of the word “gratuitously”.

Subsection (a)(12) of this section is revised to clarify that the exclusion addresses an establishment that sells food and drink, rather than only those employees who do so. See 50 Op. Att’y Gen. 268 (1965). Similarly, subsection (a)(10) of this section is predicated on the enterprise of the employer, rather than the specific duties of an employee.

In subsection (a)(12)(ii) of this section, the former effective date of “June 1, 1969” and the limitation of \$500,000 that applied before that date are deleted as obsolete.

In subsection (b)(3)(ii) of this section, the former phrases “other than an individual described in (iii) of this subparagraph” are deleted as unnecessary in light of the tabulation in subsection (b)(3) of this section.